REMARKS

STATUS OF THE CLAIMS

Claims 12, 14, 31, 33-34, 36-37, 39, 41-42, and 44-50 were pending in the application. Claims 34 and 50 have been amended. Claims 51 and 52 have been added. Claims 12, 14, 31, 33, 37, 39, 41, 42, 44, 45, 46 and 47 have been canceled. Claims 34, 36, and 48-52 would be pending in the application if the instant amendment is entered. Applicants believe no new matter is added by the instant amendments.

Applicants thank Examiners Chan and Belyavskyi for extending the courtesy of the telephonic interview conducted with the Applicant's representative Eric J. Baude on August 11, 2004, wherein the enablement rejection was discussed. No agreement was reached on the claims. The amendment of the claims to rheumatoid arthritis was discussed and as well as providing in vivo animal data.

I. REJECTION UNDER FIRST PARAGRAPH OF 35 U.S.C. § 112

The Examiner has rejected claims 12, 14, 33-34, 36-37, 39, 41-42, and 44-50 under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled for 1) a method of treating inflammation, such as sepsis, or osteoporosis, an autoimmune disease, or atherosclerosis, comprising administering to a mammal a therapeutically effective amount of an antibody to M-CSF, claimed in Claims 12 and 14; 2) a method of treating inflammation, such as psoriasis or asthma, comprising administering to a mammal a therapeutically effective amount of an antibody to M-CSF, claimed in Claims 31, 37 and 42; or 3) a method of treating rheumatoid arthritis in a mammal comprising administering an antibody to M-CSF, claimed in Claims 34 and 50.

Applicants respectfully maintain that claims 34, 36, and 48-52 are sufficiently enabled under 35 USC § 112, first paragraph. Claims 12, 14, 31, 33, 37, 39, 41, 42, 44, 45, 46 and 47 have been canceled and therefore the enablement rejection is rendered moot as to those claims. Claims 34, 36, and 48-52 are directed towards methods of treating rheumatoid arthritis. The specification discloses that M-CSF antibodies, including monoclonal antibodies, are useful as therapeutic agents in the treatment of rheumatoid arthritis (see e.g., page 15, lines 1-12). The Mobley declaration is being

submitted herewith under 37 C.F.R. § 1.132 to demonstrate the effectiveness of polyclonal and monoclonal M-CSF antibodies in treating rheumatoid arthritis. The Collagen Monoclonal Antibody-Induced Arthritis assay in mice is described in the Mobley declaration as being recognized in the art as being reasonably correlated to rheumatoid arthritis in humans (see Mobley declaration ¶13). The Collagen Monoclonal Antibody-Induced Arthritis assay was known to those of skill in the art at the time the present application (filed February 23, 2001) and the provisional patent application to which priority is claimed was filed (March 20, 2000 - United States Serial No. 60/190,842) (see Mobley declaration ¶¶9-11). In a murine Collagen Monoclonal Antibody-Induced Arthritis assay, administration of a goat anti-mouse M-CSF polyclonal antibody was able to reduce paw swelling (see Mobley declaration ¶¶15-25). In addition, the administration of anti-M-CSF monoclonal antibodies after the induction of arthritis was also able to decrease paw swelling in the Collagen Monoclonal Antibody-Induced Arthritis assay (see Mobley declaration ¶¶26-45). Accordingly, the Mobley declaration demonstrates that the administration of an M-CSF antibody was able to ameliorate arthritis in mice in a model that reasonably correlates to rheumatoid arthritis. Therefore, Applicants maintain that the specification enables one of skill in the art to make and use the claimed invention. Accordingly, Applicants respectfully request that the enablement rejection under 35 U.S.C. § 112 be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-622-2095.

Respectfully submitted,

Dated: September 15, 2004

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